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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,524	12/26/2006	Tatsuya Hirono	292114US0PCT	6248
22850	7590	12/24/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER AHMED, SHEEBA	
			ART UNIT 1794	PAPER NUMBER
			NOTIFICATION DATE 12/24/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/581,524	HIRONO ET AL.	
	Examiner	Art Unit	
	SHEEBA AHMED	1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/31/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Status of Claims

1. Claims 1-5 are pending.

Claim Objections

2. Claims 4 and 5 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim shall not serve as a basis for any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4 and 5 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a wavelength plate having the same polarizing characteristics against monochromatic lights having a different wavelength, which is obtained by laminating a retardation film (A) that provides a retardation of $(1 + X)\lambda$ to light having a wavelength L (nm) as defined according to the claimed expression (1) as an essential component and a retardation film (B) that provides a retardation of $(l/4 + Y/2)\lambda$ or a retardation film (C) that provides a retardation of $(1/2 + Z)\lambda$, **wherein X , Y , and Z each independently represent 0 or an integer between 1 and 10**, such that an

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optical axis of the retardation film (B) or retardation film (C) intersects with an optical axis of the retardation film (A), ***wherein a retardation film having a ratio (ReS00/Re550) of a retardation (Re800) in light having a wavelength of 800 nm to a retardation (Re550) in light having a wavelength of 550 nm of from 0.90 to 1.05 is used***, does not reasonably provide enablement for a wavelength plate having the same polarizing characteristics against monochromatic lights having a different wavelength, which is obtained by laminating a retardation film (A) that provides a retardation of $(1 + X)\lambda$ to light having a wavelength L (nm) as defined according to the claimed expression (1) as an essential component and a retardation film (B) that provides a retardation of $(l/4 + Y/2)\lambda$ or a retardation film (C) that provides a retardation of $(1/2 + Z)\lambda$, wherein X, Y, and Z each independently represent 0 or an integer of 1 or more, such that an optical axis of the retardation film (B) or retardation film (C) intersects with an optical axis of the retardation film (A).

The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to practice the invention commensurate in scope with these claims.

Page 30, last paragraph states that "in the retardation film (A), the value of X is usually from 0 to 10, preferably from 0 to 5, more preferably from 0 to 2, and most preferably 0. When the value of X exceeds 10, there is some possibility that not only a retardant film is hardly obtained, but also a scatter of the retardation becomes problematic. In obtaining the retardation film (A), plural retardation films may be

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laminated while keeping optical axes, for example, slow axes, of the respective retardation films in parallel”

Page 31, second and fourth full paragraph state that "in the retardation film (B), the value of Y is usually from 0 to 10, preferably from 0 to 5, more preferably from 0 to 2, and most preferably 1. When the value of Y exceeds 10, there is some possibility that not only a retardant film is hardly obtained, but also a scatter of the retardation becomes problematic. In obtaining the retardation film (B), plural retardation films may be laminated while keeping optical axes, for example, slow axes, of the respective retardation films in parallel.

In the retardation film (C), the value of Z is usually from 0 to 10, preferably from 0 to 5, more preferably from 0 to 2, and most preferably 0 or 1. When the value of Z exceeds 10, there is some possibility that not only a retardant film is hardly obtained, but also a scatter of the retardation becomes problematic. In obtaining the retardation film (C), plural retardation films may be laminated while keeping optical axes, for example, slow axes, of the respective retardation films in parallel”.

Page 32, first full paragraph states that “it is necessary that the retardation films (A), (B) and (C) which are used in the invention be little in wavelength dependency of the retardation. That is, it is necessary that a ratio (Re_{800}/Re_{550}) of a retardation (Re_{800}) in light having a wavelength of 800 nm to a retardation (Re_{550}) in light having a wavelength of 550 nm is usually from 0.90 to 1.05, and preferably from 0.95 to 1.00. When the wavelength dependency of the retardation falls outside the foregoing range, there is some possibility that the same polarizing characteristics against monochromatic

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lights having a different wavelength, that is, a function as a quarter wavelength plate or a function as a half wavelength plate does not reveal sufficiently”.

Thus indicating that the above mentioned limitations are critical to the invention.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEEBA AHMED whose telephone number is (571)272-1504. The examiner can normally be reached on Monday-Friday from 8am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571)272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sheeba Ahmed/
Primary Examiner, Art Unit 1794